

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4234 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

N.K. INDUSTRIES LTD.

Versus

STATE OF GUJARAT

Appearance:

NANAVATI ASSOCIATES for Petitioners
MR KP RAVAL APP for Respondent No. 1
NOTICE SERVED for Respondent No. 2
MR VIPUL S MODI for Respondent No. 3

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 28/04/98

ORAL JUDGEMENT

The applicants have filed this application under Section 482 of the Code of Criminal Procedure, 1873,(to be referred to as " the Code") to quash the Criminal Complaint/F.I.R. bearing Cr. No.259/96, filed by the respondent No.3, for the offences punishable under Sections 120 B, 408, 465 and 467 of the Indian Penal Code.

2. It is settled legal position that when the investigation into an offence is a statutory function of the Police and the superintendence thereof is vested in the State Government and the Court is not justified without any compelling and justifiable reason to interfere with the investigation. Thus, where the investigation which is still on its way and the further investigation in the offence is legally permissible as contemplated by S.173 (8) of the Cr.P.C., the quashing of investigation by the High Court would not be permissible.

3. The F.I.R. was filed on 22-9-96. Applicants have filed this application to quash the F.I.R. on 29-7-97. The intention of the applicants is quite obvious that they want to delay the investigation into the cognizable offence. Still the investigation is in progress, and therefore, the F.I.R. cannot be quashed. Hence, the statutory function of the Police cannot be interfered with in the application under Section 482 of the Code.

4. This is not a rarest of rare case wherein the interference of this Court is called for in the exercise of its inherent powers under Section 482 of the Code to quash the Criminal Complaint/F.I.R.

5. For the foregoing reasons, this application is rejected. Rule discharged

* * * *